

## **REMARKS/ARGUMENTS**

Applicant thanks the Examiner for acknowledging the claim for foreign priority under 35 U.S.C. § 119, noting that the priority documents have been received, and initialing the Information Disclosure Statement.

### **I. Status of Claims**

Claims 1-5, 11-23 and 29-35 are currently pending in the application. Claims 6-10 and 24-28 were withdrawn from consideration pursuant to a restriction requirement. This Amendment amends claims 1 and 18 addresses each point of objection and rejection raised by the Examiner. The claim amendments find support in the Specification and Drawings as originally filed. No new matter has been added. Favorable reconsideration is respectfully requested.

### **II. Rejections of Claims under 35 U.S.C. §103(a)**

Claims 1 and 18 have been rejected under 35 U.S.C. §103(a) as being obvious over Steel et al. ("Steel"), U.S. Patent No. 6,782,244. Applicant respectfully traverses this rejection.

As applied to claims 1 and 18, Applicant respectfully submits that the teachings of Steel would not have rendered this claim obvious for the reasons stated below.

In particular, starting with independent claim 1, the amended claim recites:

In a base station (BS) having at least two amplifiers  
for amplifying transmit power for a mobile station (MS), a  
method of controlling the amplifiers, comprising the steps of:

deciding an amplifier to be enabled or disabled  
between the at least two amplifiers in a base station; and  
enabling or disabling the decided amplifier according  
to an input command message.

Regarding independent claim 18, the amended claim recites:

In a base station (BS) having at least two amplifiers  
for amplifying transmit power for a mobile station (MS), an  
apparatus for controlling the amplifiers, comprising:  
a channel combiner for measuring total power for each  
sector of the BS; and  
a sleep mode operator for deciding whether to enable  
or disable the at least two amplifiers in the BS based on the  
measured power according to an input command message.

The cited prior art, Steel, teaches a method for controlling a segmented power amplifier. The amplifier provides two or more selectively enabled amplifier segments allowing a source signal to be amplified with a selectable output power (*see* Steel, Abstract).

An embodiment of the present invention, however, teaches a method and apparatus for deciding whether an amplifier is to be enabled or disabled between the *at least two amplifiers in a base station* and enabling or disabling the decided amplifier according to an input command message.

Applicant respectfully asserts that Steel does not disclose, teach, suggest or render obvious having *at least two amplifiers in a base station*. Steel merely teaches a *single* amplifier comprising multiple segments. This is contrary, however, to an

embodiment of the present invention which requires *at least two amplifiers* be included in a base station.

Moreover, Steel fails to disclose, teach, suggest or render obvious the claimed feature of having the at least two amplifiers *in a base station*. In fact, Steel is completely silent regarding a base station. The Examiner admits to such in the Office Action of April 4, 2007 (pg. 3, 1<sup>st</sup> paragraph). The Examiner attempts to cure the deficiency of Steel by taking Official Notice of the fact.

Applicant respectfully challenges the Examiners use of Official Notice. "The facts so noticed [by Official Notice] serve to 'fill the gaps' which might exist in the [Examiner's] evidentiary showing, and should not comprise the principle evidence upon which a rejection is based." MPEP § 2144.03. Applicants respectfully assert that the Examiner has relied upon Official Notice for the principle evidence upon which the rejection is based. The use of controlling the at least two amplifiers *in a base station* is a distinguishing feature of these claims, with regard to the prior art base station amplification methods, as explained in the Applicant's own disclosure (*see generally* pgs. 2 and 3 of the Specification).

The Examiner's rejection relies on an assumption that the knowledge necessary to control at least two amplifiers in a base station to achieve the recited claim features would have been within the abilities of one with ordinary skill in the art at the time. However, even if the elements were present and the knowledge was available, it does not necessarily follow as to why someone would want to make the required modifications to Steel to achieve the recited claimed features.

As Steel does not disclose the feature of controlling the at least two amplifiers *in a base station*, the Examiner is respectfully requested to offer an apparent reason to support what would suggest one skilled in the art to modify Steel to add this feature, without the benefit of hindsight. Without such a showing, a mere conclusory assertion of obviousness does not establish a prima facie case.

Further, Applicant respectfully submits that Steel also fails to disclose, teach, suggest or render obvious enabling or disabling the decided amplifier according to an input command message as currently amended. Steel merely teaches that a controlling system selects a desired level of amplifier current by choosing which, if any, parallel amplifier segments are enabled. In contradistinction, an embodiment of the present invention provides that the enabling or disabling of the decided amplifier is in accordance with an input command message.

Accordingly, Steel fails to teach each limitation of claims 1 and 18, or to even suggest each limitation. Nor would there be any apparent reason for one of ordinary skill in the art to make the required modifications to Steel to achieve the recited claimed features. Therefore, Applicant respectfully submits that claims 1 and 18 are patentable over the applied art.

Dependent claims 2-5, 11-17, 19-23 and 29-35 are distinguished from the cited references for at least the reasons given above by virtue of their dependence on independent claims 1 and 18. Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejections of claims 2-5, 11-17, 19-23 and 29-35 under 35 U.S.C. § 103(a) as well.

Claims 11 and 29 are rejected under 35 U.S.C. §103(a) as being obvious over Steel et al. (“Steel”), U.S. Patent No. 6,782,244, in view of Chen et al. (“Chen”), U.S. Patent No. 5,832,365. Applicant respectfully traverses this rejection.

In addition to deficiencies of claims 1 and 18, Steel also does not disclose, teach, suggest or render obvious “setting a time period by the operator; and deciding, for the time period, the amplifier to be enabled or disabled according to an input from the operator”. The Examiner attempts to cure the deficiencies of Steel by combining Chen to teach the claimed feature.

Applicant respectfully asserts that Chen does not disclose, teach, suggest or render obvious “setting a time period by the operator; and deciding, for the time period, the amplifier to be enabled or disabled according to an input from the operator”. Chen merely teaches a communication system comprising an active-antenna repeater wherein the controller in each repeater receives instructions from the operator. Chen merely teaches a “repeater station” for antennas, which is not the same or analogous to an embodiment of the present invention wherein a *base station* is designed to supply power to at least two amplifiers. Moreover, Chen is completely silent regarding the claimed feature of a “time period”.

Thus, the combination of Steel and Chen fails to teach each limitation of claim 11 and 29, or to even suggest each limitation. Nor would there be any apparent reason to combine Steel and Chen. Therefore, Applicant respectfully submits that claims 11 and 29 are patentable over the applied art.

Claims 17 and 35 are rejected under 35 U.S.C. §103(a) as being obvious over Steel et al. (“Steel”), U.S. Patent No. 6,782,244, in view of Chen; in further view

of Loke et al. ("Loke"), U.S. Patent No. 6,615,028. Applicant respectfully traverses this rejection.

Dependent claims 17 and 35 are distinguished from the cited references for at least the reasons given above by virtue of their dependence on independent claims 1 and 18. Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejections of claims 17 and 35 under 35 U.S.C. § 103(a).

Claims 12 and 30 are rejected under 35 U.S.C. §103(a) as being obvious over Steel et al. ("Steel"), U.S. Patent No. 6,782,244, in view of Chen; in further view of Harris et al. ("Harris"), U.S. Patent No. 6,055,418. Applicant respectfully traverses this rejection.

Dependent claims 12 and 30 are distinguished from the cited references for at least the reasons given above by virtue of their dependence on independent claims 1 and 18. Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejections of claims 12 and 30 under 35 U.S.C. § 103(a).

### **III. Allowable Subject Matter**

Claims 2-5, 13-16, 19-23, and 31-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

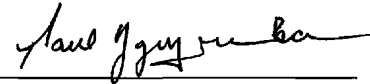
Applicants appreciate the indication that claims 2-5, 13-16, 19-23, and 31-34 would be allowed if rewritten in independent form, but respectfully submit that a broader scope of the invention is patentable in view of the art of record. Applicants request that the rewriting of claims 2-5, 13-16, 19-23, and 31-34 be held in abeyance

until the Examiner has had the opportunity to reconsider the allowability of parent claims 1 and 18.

**IV. Conclusion**

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully Submitted,



---

Paul H. Nguyen-Ba  
Attorney for Applicant  
Reg. No. 60,742

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036  
(202) 659-9076

Dated: July 19, 2007